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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,402	01/17/2002	Jeffrey G. Anderson	14466-006001	1590

23377 7590 05/02/2006

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EXAMINER

TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,402

Applicant(s)

ANDERSON ET AL.

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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- This action is responsive to the amendment and remarks file on 12/09/05.
- Claims 1-20 are presented for further examination.
- Because Applicants have failed to challenge any of the Examiner's "Official Notices" stated in the previous office action in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hile et al hereinafter Hile (US 2002/0023140).

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1. Referring to Claims 1, 8 and 15, Hile discloses a computer implemented method for remote access to files for a local agent module, comprising:

polling a server for a task request (refer to 0021, and 0027;

receiving a task request from the server (refer to 0021);

executing a task indicated by the task request (refer to 0021);

task request identifying a file in a local computer (refer to 0021)

causing a file to be uploaded, the file identified in the task request, to a server (refer to 0021);

one or more protocol stacks for communicating over a network with the server (refer to 0022).

waiting for a schedule timer to expire (time left to expire, refer to 0019); and

repeating the above act (repetition of the methods caused by the timer to restarted again, refer to 0019).

2. Referring to Claims 2 and 9, Hile discloses

setting up local agent preferences (refer to 0027);

setting up remote client preferences (refer to 0026);

initiating the act of polling, based on the local agent preferences (refer to 0027);

and initiating an act of uploading based on the remote client preferences (refer to 0018, 0025).

3. Referring to Claims 3 and 10, Hile discloses wherein the act of polling occurs over a transmission control protocol/internet protocol stack, through functions specified in a simple object access protocol interpreter (refer to 0015).

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4. Referring to Claims 4 and 11, Hile discloses wherein the act of executing the task includes:

initiating a request to a subsystem for the file (refer to 0020);

and receiving the file from the subsystem (refer to 0026

5. Referring to Claim 6 and 13, Hile discloses wherein the act of executing the task includes:

initiating a request to a message access protocol interface for the file from a message access protocol interface database (it is inherent the system comprises a database/memories that stores information/files)

and receiving the file from the message access protocol database (refer to 0015, 0021).

6. Referring to Claims 7 and 14, Hile discloses wherein the act of uploading the file includes

instructing the file to be sent to the server (refer to 0021), but Hile discloses the use of message access protocol (refer to 0015).

7. Referring to Claim 16, Hile discloses wherein the one or more protocol stacks includes a

transmission control protocol/internet protocol stack (refer to 0015).

8. Referring to Claim 17, Hile discloses wherein the one or more protocol stacks includes a

simple object access protocol interpreters (refer to 0015).

9. Referring to Claim 18, Hile discloses comprising a subsystem for executing a task from the

task request (refer to 0014).

10. Referring to Claim 19, Hile discloses configured to initiate a request to a message application programming interface database (refer to 0020-0022).

11. Referring to Claim 20, Hile discloses configured to receive a file from a message application programming interface database (refer to 0020-0022).

12. Referring to Claims 5 and 12, Hile discloses wherein the act of executing the task includes:
initiating a request to a subsystem for the file (refer to 0020).

instructing the subsystem to upload the file to the server (refer to 0021-0022).

receiving an indication that the file was uploaded to the server (0024).

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT
Karen Tang
04/20/06


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER